Chapter 10.40 TRIP REDUCTION PROGRAM

Chapter 10.40 TRIP REDUCTION PROGRAM Sections:

10.40.010 Purpose.

10.40.020 Objective.

10.40.030 Intent.

10.40.040 Definitions.

10.40.050 Project requirements.

10.40.060 Transportation plan.

10.40.070 Trip reduction credit for transportation control measures (TCMs).

10.40.080 Annual reporting requirements.

10.40.090 Implementation schedule.

10.40.100 Compliance monitoring.

10.40.110 Violation—Penalty.

10.40.120 Appeal.

10.40.010 Purpose.

The purpose of this chapter is as follows:

- A. Reduce total vehicle emissions in Placer County and South Placer region by reducing the number of vehicular trips that might otherwise be generated by home-to-work commuting.
- B. Reduce traffic congestion in Placer County by reducing both the number of vehicular trips and the vehicular miles traveled that might otherwise be generated by home-to-work commuting.
- C. Reduce or delay the need for major transportation facility improvements by making efficient use of existing facilities.
- D. Reduce present and future motor vehicle emissions as a contribution for complying with federal and state ambient air quality standards.
- E. Implement measures that will work towards attainment of ambient air quality standards and compliance with congestion management program (CMP) requirements.
- F. Increase the average vehicle ridership (AVR) during the weekday commute period ("peak period") to work towards goals set forth in the California Clean Air Act.

(Ord. 407 § 2 (part), 1993: prior code § 6-6.01)

10.40.020 Objective.

The fundamental objective of the trip reduction program as established by this chapter is to increase the average vehicle ridership (AVR) for home-to-work commuting to thirty-three (33) percent higher average number of passengers per vehicle (AVR=1.4) than would occur if all such trips were made in single-occupant vehicles (AVR=1.0). Large employment facilities or common work locations will be

Chapter 10.40 TRIP REDUCTION PROGRAM

expected to accomplish a higher portion of this reduction than small employment centers in recognition of the greater opportunity for rideshare matches and increased viability of transit at large employment facilities.

(Ord. 407 § 2 (part), 1993: prior code § 6-6.02)

10.40.030 Intent.

It is the intent of this chapter that employers strive to reach the goal of an average vehicle ridership (AVR) of 1.4 persons per vehicle. Employers are required to put forth a good faith effort to encourage employees to use alternative transportation modes through the methods described below.

(Ord. 407 § 2 (part), 1993: prior code § 6-6.03)

10.40.040 Definitions.

As used in this chapter:

"Alternative commute mode" means a method of traveling to and from the worksite other than by single-occupant vehicle (i.e., transit, carpool, vanpool, bicycle, walking, telecommuting).

"Average vehicle ridership (AVR)" means the average number of persons occupying each vehicle. AVR is calculated by multiplying the number of employees by the standard number of trips in a work week (generally ten (10)), then divided by actual number of vehicular trips per work week. For example, if all employees drive alone to work each day, the AVR = 1.0. If there are ten (10) employees and only sixty-seven (67) vehicular trips, then the AVR is 1.5, which means that, on average, each vehicle is transporting 1.5 people to their destination. The higher the AVR, the more people are using alternative transportation methods.

"Carpool" means a motor vehicle occupied by two or more persons traveling to and from work.

"Common work location" means a single building, building complex, campus or work sites at common location. A common work location is typified by a common private parking lot or area to be used by employees, tenants, customers and/or other visitors to the complex, notwithstanding parking slot designations, such as specific spaces designated for specific tenants. Common work locations may be public, private or educational facilities. More than one employer may be grouped at one common work location.

"Commuter" means an employee who travels regularly to and from an employment facility three or more times a week.

"Commuter matching service" means any system for mapping and matching home and work locations of interest commuters to identify prospects for ridesharing.

"Employee" means those who provide a paid service for twenty (20) or more hours per week.

"Employee transportation coordinator (ETC)" means an employee or other individual designated by the employer or project controller to coordinate and implement TSM activities as required by the transportation plan.

"Peak period commuter" means any employee who travels regularly to and from a facility three or more days a week and arrives or departs from the facility between six a.m. to nine a.m. Monday through Friday.

"Project controller" means the owner, lessor and/or manager of a common work location.

"Rideshare program" means the commuter matching service and commuter information service operated by the South Placer TMA or Caltrans-Sacramento Rideshare.

Chapter 10.40 TRIP REDUCTION PROGRAM

"Ridesharer" means any employee who commutes to and from his or her work location by any mode other than single-occupancy light or medium duty vehicle, motorcycle or moped.

"Shift of employment" means any group of employees who work at a common work location and who arrive and depart from work in a common time interval not greater than one hour.

"Single-occupant vehicle (SOV)" means a motor vehicle occupied by one employee for commute purposes.

"Transportation control measures (TCMs)" means measures used to maintain or improve the efficient movement of persons and goods while reducing the congestion and air quality impacts associated with motorized vehicles.

"Transportation control measure (TCM) coordinator" means the city employee or other individual designated to manage and enforce employer compliance with TRO requirements.

"Transportation management association (TMA)" means an association, usually of public agencies and private firms organized to facilitate, support and encourage the use of alternative transportation methods for commuters.

"Transportation plan" means the plan developed by the employer or project controller to reduce single-occupant vehicle trips, pursuant to Section 10.40.060 of this chapter.

"Trip reduction credit" means the number of points credited to an employer's transportation plan for implementing a specific transportation control measure (TCM) program.

"Vanpool" means a motor vehicle, other than a motor truck or truck tractor, suited for occupancy by more than six but less than sixteen (16) persons including the driver, traveling to and from work.

(Ord. 417 § 1 (part), 1993; Ord. 407 § 2 (part), 1993: prior code § 6-6.04)

10.40.050 Project requirements.

- A. Level 1—All Employers. Every employer shall encourage use of alternative commute modes by providing the following:
 - 1. Posting in a conspicuous place or places informational material provided by the TCM coordinator to encourage ridesharing, such as:
 - Current schedules, rates (including procedures for obtaining transit passes) and routes of mass transit service to the common work location or employment site;
 - b. The location of all bicycle routes within at least a five-mile radius of the facility;
 - c. Posters or flyers encouraging the use of ridesharing and referrals to sources of information concerning ridesharing:
 - Commuter Matching Service. Disseminating annually to all tenants and employees and to new tenants and new employees when hired, written information provided by the TCM coordinator regarding an area-wide commuter ridesharing matching service.
- B. Employee Survey Tabulation. All employers will be asked to complete and return an annual survey regarding employees' use of alternative transportation modes. For employers of less than fifty (50), a brief survey form on a postcard will be used. Employers of more than fifty (50) shall be provided a more detailed survey form for completion.
- C. Level 2—All Employers or Common Work Locations With One Hundred (100) or More Employees. In addition to the requirements of Level 1, all employers or common work locations with one hundred (100) or more employees shall provide additional encouragement for the use of alternative transportation modes, through the provision of the following incentives and resources:

Chapter 10.40 TRIP REDUCTION PROGRAM

- 1. Employee Transportation Coordinator (ETC). Every employer or common work location with one hundred (100) or more employees shall facilitate the employees use of an area-wide ridesharing program by designating an employee transportation coordinator (ETC). The name, title, address and telephone number of such coordinator shall be reported to the TCM coordinator within sixty (60) calendar days of the effective date of this chapter for those employers currently having one hundred (100) or more employees or within sixty (60) calendar days after reaching one hundred (100) or more employees. In the case of common work locations, property managers or owners may not be immediately aware when the one hundred (100) employee threshold is met. Annual surveys and/or employers database updates may provide this information to the TCM coordinator sooner, in which case they would then notify the property manager or owner of the new employment level. The ETC should be strongly encouraged to take advantage of educational resources, including training seminars, workshops, training manuals and discussions with other ETCs. ETCs need not be full-time employees, not is it necessary that ETC duties take up a majority of the designated employee's time.
- 2. The ETCs responsibilities shall include:
 - a. Publicizing the availability of public transportation;
 - b. Communicating employee or tenant transportation needs to the city TMC coordinator, property manager, property owner and/or city staff as appropriate;
 - c. Assisting employees or tenants in forming carpools or vanpools:
 - d. Developing, coordinating and implementing the employer's transportation plan;
 - e. Coordinating, documenting and preparing the annual transportation mode survey and report;
 - f. Performing an annual survey of employees and tenant transportation profile showing the distribution of employees and tenants by transportation mode;
 - g. Coordinating with property owner and other tenants' transportation plans as applicable;
 - h. Coordinating participation in a ridesharing program through a transportation management association, either as a member agency or otherwise, including the distribution and collection of commuter matching forms and submittal to the appropriate rideshare program. The information on these forms will then be entered into the regional database to match commuters by home and work address for carpools and vanpools;
 - i. Coordinating any necessary, authorized on-site visit by city TCM coordinator.
- 3. Any specific common work location may be excluded from Level II requirements if implementation is deemed infeasible by the city council.

(Ord. 417 § 1 (part), 1993; Ord. 407 § 2 (part), 1993: prior code § 6-6.04)

10.40.060 Transportation plan.

- A. A transportation plan is required for each existing employer or common work location having one hundred (100) or more employees and/or for every employer or common work location upon reaching one hundred (100) or more employees.
- B. The transportation plan shall include:
 - Description. A description of the activity and operating characteristics of the proposed or existing project (e.g., business hours and peak hours of travel), including a parking area map or diagram.

Chapter 10.40 TRIP REDUCTION PROGRAM

- 2. Existing Conditions. A description of the alternative transportation facilities and programs currently in place, such as bike lockers, preferential carpool parking, rideshare information posting, vanpool subsidies, etc.
- 3. Estimate. A description and estimation of the commuting characteristics of the labor force (e.g., travel distance and mode).
- 4. Transportation Control Measures (TCMs). Measures designed to reduce the number of single-occupant vehicle trips.
- 5. Implementation Schedule. A timeline showing the approximate schedule of implementation of each of the selected mitigation measures.
- 6. Management Support Letter. In order for the transportation plan to be successfully implemented, the top management of the employer of common work location must be aware of the program and committed to making it work. A letter expressing this commitment is required.
- C. If an existing project generates or a new project is expected to generate one hundred (100) or more employees, the plan shall be designed with a goal of achieving an AVR of 1.4. To do this, the plan must include mandatory and optional transportation control measures (TCMs) from the list in subsection B of this section. Each of these transportation control measures (TCMs) are assigned a trip reduction credit; the plan must include measures that have a cumulative total of twenty (20) trip reduction points.
- D. The city TCM coordinator shall provide assistance to ETCs in preparing and managing their transportation plan. This assistance may include, but is not limited to, guidebooks to an estimate of the potential effectiveness of common ridesharing activities, sample transportation plans, educational resources and networking opportunities.

(Ord. 407 § 2 (part), 1993: prior code § 6-6.06)

10.40.070 Trip reduction credit for transportation control measures (TCMs).

- A. In order to meet the required levels of trip reduction, every transportation plan shall list the TCMs proposed to be implemented. Every plan shall include and implement all of the mandatory TCMs set forth in the project requirements. The employer or project controller may then select from optional TCMs that will best serve to reduce commute trips of the employees of the particular project. The transportation plan will then receive the vehicle trip reduction credits as defined in Section 10.40.040 of this chapter. These TCMs shall be selected by the applicant and may include, but are not limited to the following:
 - 1. Payment of subsidies or provision of other incentives to carpoolers or vanpoolers:
 - 2. Payment of parking charges or absorption of vanpool operation expense for ridesharers;
 - 3. Payment of subsidies or provision of incentives for the use of transit or transportation by other than single-occupant motor vehicles;
 - 4. Provision of amenities, such as bicycle lockers, transit shelters, shuttle buses, etc. designed to enhance the use of other than single-occupancy motor vehicles;
 - 5. An adequate number of shower and personal locker facilities for regular bicycle commuters;
 - 6. A vanpool program consisting of a continuously outstanding offer to acquire a van or vans (by purchase, lease or otherwise), to obtain insurance and to make available to any group of at least seven employees a van for their use in a vanpool;
 - 7. Provisions for a flex-time program to shift vehicle trips from the peak period to nonpeak hours. A reduction in vehicle trips per day shall be permitted and calculated in the following manner:

Chapter 10.40 TRIP REDUCTION PROGRAM

The number of trips taken out of the peak period, divided by the estimated total trips multiplied by 25% would equal the percent reduction of vehicle trips per day credited.

- 8. Implementation of telecommuting and teleconferencing programs;
- 9. Implementation of a compressed work week program;
- 10. Joining and maintaining active membership in a transportation management association (TMA);
- 11. Provision of necessary services on-site, such as child care, banking, dry cleaning, restaurants and so on;
- 12. Any other program the applicant may devise, with approval of TCM coordinator and designated approving body.
- B. Required Transportation Control Measures (TCMs). Each of the following transportation control measures (TCMs) are assigned a trip reduction credit. Each transportation plan must include measures that have a cumulative total of twenty (20) trip reduction points.

Designation of an employee transportation coordinator (ETC).	Trip reduction credit— 2 points.
2. Posting of ridesharing information, including:	Trip reduction credit— 1 point.
a. Posters or flyers encouraging the use of ridesharing and referrals to sources of information concerning ridesharing;	
b. The names and phone numbers of the TSM coordinator, transportation management association and the city/county transportation coordinator.	
3. Posting of alternative transportation mode information, such as:	Trip reduction credit— 1 point.
a. Current schedules, rates (including procedures for obtaining transit passes) and routes of mass transit service to the common work location or employment site;	
b. The location of all bicycle routes within at least a five-mile radius of the facility.	
4. Distribution of Commuter Matching Service Information. The South Placer TMA and Caltrans Sacramento Rideshare each maintain regional computer databases to match	Trip reduction

Chapter 10.40 TRIP REDUCTION PROGRAM

commuters with common cross streets. Each provides rideshare information to employers for distribution and then directly mails the match lists to the employees. The South Placer TMA provides rideshare matchlisting for destinations within Placer County, while Caltrans Sacramento Rideshare provides matchlisting for out-of-county destinations. Credit will be given if the ETC distributes the information annually to all employees and upon hiring to all new employees.	credit— 3 points.
5. Bicycle Parking Facilities. Unless there are overriding considerations specific to the employment site, parking must be supplied for at least two percent of employment. The bicycle parking facilities shall be, at minimum, Class II stationary bike racks.	Trip reduction credit— 1 point.
6. Preferential Carpool/Vanpool Parking. Unless there are overriding considerations specific to the employment site, parking spaces for four percent of employees must be painted "Carpool Parking" or "Vanpool Parking" and must be, with the exception of handicapped parking, the spaces with most convenient access to the employee entrances. The ETC may issue carpool and vanpool stickers to the vehicle owners and shall be responsible for monitoring the spaces.	Trip reduction credit— 2 points.

C. Optional Transportation Control Measures (TCMs).

1. ETC Education Program. ETC must attend educational seminars, workshops or other approved training programs on an annual basis. Points given are based on number of hours of attendance; two points are given for one hour of training, with an additional point for every additional one hour of training, to a maximum credit of four points.	Trip reduction credit— 2-4 points.
2. Additional Preferential Carpool/Vanpool Parking. Additional employee parking spaces must be painted "Carpool Parking" or "Vanpool Parking" and must be, with the exception of handicapped parking, the spaces with the most convenient access to the employee entrances. The ETC may issue carpool and vanpool stickers to the vehicle owners and shall be responsible for monitoring the spaces. An additional point is provided for each additional two percent of total number of employees for which preferential carpool/vanpool parking is provided, up to a maximum of three additional points.	Trip reduction credit— 1-3 points.
3. In-House Carpool Matching Service. The ETC conducts a survey of all	Trip reduction

Chapter 10.40 TRIP REDUCTION PROGRAM

employees in order to identify persons interested in being matched into carpools. Potential carpoolers are then matched by work address and shift. Credit is given if this service is performed on an annual basis and for all new employees interested in ridesharing.	credit— 4 points.
4. Transportation Management Association (TMA) Membership. The ETC or other designated management employee shall actively participate in a regional TMA. The ETC shall attend all membership meetings or send a designated representative, pay all required dues and/or be involved in any other programs which the TMS board administers. By taking full advantage of full TMA membership, many additional points may be earned.	Trip reduction credit— 4 points.
5. Guaranteed Ride Home Program. Employers will provide or contract to provide a guaranteed ride home for employees who rideshare two days a week or more. The guaranteed ride home would be provided to the ridesharer in the event that an emergency or illness requires that they or their carpool or vanpool driver must leave work early.	Trip reduction credit— 3 points.
6. Parking Fee. Employees who arrive at work in single-occupant vehicles must pay a parking fee of ten dollars (\$10.00) per week, while carpool and vanpool vehicles are not charged.	Trip reduction credit— 6 points.
7. Vanpool Program. The employer is required to continuously extend an offer to purchase or lease a van or vans, to obtain insurance and to make available to any group of at least seven employees a van for commute purposes. The employer may recover full or partial operating costs from the vanpool participants.	Trip reduction credit— 4 points.
8. Shuttle Bus/Buspool Program. The employer must provide sufficient shuttle service to transport workers to and from their residences, a park-and-ride lot or other staging area to the workplace. The employer may choose to lease a bus and may work with nearby employers to maximize ridership.	Trip reduction credit— 4 points.
9. Transit/Rail Pass Subsidy. The employer provides a monthly transit or rail pass subsidy of fifty (50) percent or the maximum taxable benefit limit, whichever is higher. The workplace must be within a reasonable walking distance to a transit stop or rail station. The ETC will be responsible for distribution of the passes and collection of fees.	Trip reduction credit— 4 points.

Chapter 10.40 TRIP REDUCTION PROGRAM

10. Transit Shelter. The developer/owner will construct a shelter on the designated bus route or will post a bond for future construction once the transit	Trip reduction credit—
route is extended to the site.	2 points.
11. Secure Bicycle Parking Facilities. Parking must be supplied for at least three percent of employment. The bicycle parking facilities shall be of the following types:	Trip reduction credit— 2 points.
a. A Class I bicycle parking facility with a locking door, typically called a bicycle locker, where a single bicyclist has access to a bicycle storage compartment;	
b. A fenced or covered area with Class II stationary bike racks and a locked gate.	
12. Showers and Lockers. Two showers, one men's and one women's, shall be provided for employers of less than two hundred (200) persons. For employers of more than two hundred (200) persons, there shall be four showers with the number increasing by two for every five hundred (500) employees. Ten (10) lockers shall be provided for employers of less than two hundred (200) persons. For employers of more than two hundred (200) persons, there shall be twenty (20) lockers, with the number increasing by ten (10) for each five hundred (500) employees.	Trip reduction credit— 2 points.
13. Flexible Work Location. A management strategy allowing the employee flexibility in work place outside the employer's established location. These strategies may include but are not limited to telecommuting from the employee's home or the creation of neighborhood office satellites.	Trip reduction credit— 4 points.
14. Flexible Work Hours. A work hour management strategy allowing the employee to adjust work hours outside of the employer's established start and stop time and outside peak hours. Variable work hours may include, but are not limited to: (a) staggered work hours involving a shift in the set work hours of all employees at the workplace to those outside of peak hours; and (b) flexible work hours involving individually determined work hours within guidelines established by the employer. The developer/owner shall agree to devise a lease agreement in which the variable work hours are available to all tenant's employees.	Trip reduction credit— 2 points.
15. Compressed Work Weeks. A management strategy allowing the employee to compress the total number of hours required in a week to fewer days. For	Trip reduction credit—

Chapter 10.40 TRIP REDUCTION PROGRAM

example, a typical forty (40) hour work week could be compressed into four ten (10) hour days.	3 points.
16. On-Site Services. Through employer provision, cooperative efforts of employers and services or other means, necessary services are available within one-fourth mile of the employment site. Necessary services would include, but are not limited to, child care, cafeteria/restaurant, lunch room, automated teller machine, dry cleaners or post office. Actual credits awarded will depend on which service or combination of services are provided and proximity to employment site.	Trip reduction credit— Negotiable with TCM coordinator and designated approving body.
17. Transit System Subsidy/Grant. Employer provides support to local transit system, which could be for system operations or for capital needs such as new buses. Subsidies or grants could be financial or through donation of capital needs. Actual credits awarded will depend on the amount and type of subsidy or grant.	Trip reduction credit— Negotiable with TCM coordinator and designated approving body.
18. Other. Trip reduction measures that are not included in this subsection or do not specifically fit the descriptions contained herein may also be considered. Innovative methods are strongly encouraged. An example would be a high school setting up a ridesharing educational program for their students.	Trip reduction credit— Negotiable with TCM coordinator and designated approving body.

- D. A county-wide technical advisory committee comprised of representatives of jurisdictions, the Placer County air pollution control district, TMAs, regional planning agencies, Caltrans and the business community as represented by chambers of commerce will be available to provide technical evaluation of innovative TCM proposals to TCM coordinators and designated approving bodies. This technical advisory committee will then advise the TCM coordinator and designated approving body on the appropriate trip reduction points to be credited to the transportation plan. The input of this technical advisory committee is offered as a support service; it is up to the individual jurisdictions' discretion as to whether to pursue it. In addition, the evaluation and opinion provided by this committee is for advisory purposes only and is in no way binding on the designated approving body's final determination.
- E. The transportation plan shall be referred to the city TCM coordinator for review and evaluation of the proposed mitigation measures and recommendation made to the person or body designated by the city to approve the plan.
- F. Approving person is the city planner or in the case of appeals, the planning commission and city council.

Chapter 10.40 TRIP REDUCTION PROGRAM

G. A decision to approve or disapprove the transportation plan shall be deemed final fourteen (14) calendar days after the date that the applicant receives a notice of the approving person or body's decision unless an appeal has been filed pursuant to Section 10.40.120 of this chapter.

(Amended during 2004 codification; Ord. 417 § 1 (part), 1993; Ord. 407 § 2 (part), 1993: prior code § 6-6.07)

10.40.080 Annual reporting requirements.

- A. The ETC shall complete an annual transportation mode survey and status report. The purpose of this report is to verify the dates and results of the mitigation measures specified in the transportation plan.
- B. The survey portion of the report requires the ETC to annually perform a transportation survey of employees on standard form to be provided to determine the changes in the distribution of employees using various transportation modes on in comparison with the baseline information. The transportation survey shall include information such as origin and destination of travel, transportation mode used, work schedule and interest in alternative mode commuting. A survey response rate of seventy-five (75) percent is required to ensure the significance of the results. The surveys distributed by the ETC shall be available for audit by the city following the completion of the annual report.
- C. The status report portion shows the mitigation measures included in the transportation plan with the implementation or completion date entered for each measure. If a measure was not implemented within the stated time frame, an explanation why it was not done must be included. If there are certain measures stipulated in the previous transportation plan that are believed to no longer be feasible, an explanation must be included.

D. Contents.

- 1. Compliance Program. Description and documentation of your compliance with mitigation measures described in the transportation plan, including details of individual programs.
- Commute Characteristics. Status report on effectiveness of transportation plan as shown by the
 commute characteristics of employees. Specifically, this includes the average number of
 tenants and/or employees regularly arriving at and leaving the project site by each of the
 following modes of transportation:
 - a. Single-passenger motor vehicles (including mopeds);
 - b. Carpools, including number of vehicles and number of occupants per vehicle;
 - c. Van-type vehicles with seven or more commuters including the number of vehicles and number of occupants per vehicle;
 - d. Mass transit;
 - e. Bicycles;
 - f. All others.
- 3. Totals. The total number of tenants and/or employees by work shift at the project site.
- 4. Employee Characteristics. The zip code and nearest cross streets of each employee's residence.
- Employee Transportation Coordinator (ETC). The name, address and telephone number of the ETC.
- 6. Statement of Certification. The employer or project controller must certify that the TCMs agreed to for trip reduction credit have been fully implemented. If the TCMs have not been

Chapter 10.40 TRIP REDUCTION PROGRAM

implemented, an explanation must be included and the annual transportation survey and report shall include actions to be taken to implement the program.

(Ord. 407 § 2 (part), 1993: prior code § 6-6.08)

10.40.090 Implementation schedule.

Employers and common work location with one hundred (100) or more employees must comply with this chapter within six months of adoption of the ordinance codified in this chapter. Employers and employment complexes with less than one hundred (100) employees must comply with this chapter within thirty (30) days of receipt of posting information.

(Ord. 407 § 2 (part), 1993: prior code § 6-6.09)

10.40.100 Compliance monitoring.

- A. The TCM coordinator shall review the annual transportation mode survey and report of each project and compare performance with the goals established in the approved transportation plan. Inspection of the business location by the TCM coordinator may be conducted as necessary to determine compliance with these provisions or to assist ETCs in preparing surveys or reports. Survey will be forwarded to the Placer County transportation commission (PCTC) for calculation of AVR. Survey results will be tabulated by the PCTC and available to employers for review and reference. A good faith effort to encourage employees to use alternative transportation as provided in the transportation plan is required. However, this chapter does not hold employers liable if the results of their efforts on employee commute habits do not produce the state trip reduction goals.
- B. If after review of the annual transportation mode survey and report, the TCM coordinator finds the performance has been unsatisfactory in that progress was not made toward full implementation of TCM programs within the approved plan, the TCM coordinator shall notify the employer or project controller in writing that revisions and/or additions must be made in order to achieve the required implementation of TCMs within one year of submittal. The employer or project controller will then be granted thirty (30) days to submit a revised report.
- C. If the revised report is still not satisfactory, the TCM coordinator will prepare a staff report to the approving person/body. The approving person/body may then find that the employer or project controller and/or the ETC is in violation of this chapter and recommend that the matter be forwarded to the city council.

(Ord. 407 § 2 (part), 1993: prior code § 6-6.10)

10.40.110 Violation—Penalty.

Failure to comply with the requirements of this chapter or with the terms of a transportation plan required pursuant to this chapter shall be deemed a violation and subject to the following penalties:

- A. Misdemeanor or as an infraction in the discretion of the city attorney.
- B. Violations of this chapter are punishable separately and independently of any other remedies at law or inequity, including, but not limited to, those remedies provided in any applicable transportation plan.
- C. In addition to any other penalty allowed, the city council may impose civil or administrative fines of up to five hundred dollars (\$500.00) per day for failure to meet the goals set forth in this chapter.

(Ord. 407 § 2 (part), 1993: prior code § 6-6.11)

Chapter 10.40 TRIP REDUCTION PROGRAM

10.40.120 Appeal.

Appeal from an action taken by the approving person pursuant to this chapter may be made in writing to the city council within twenty (20) days of the approving person's decision.

(Ord. 407 § 2 (part), 1993: prior code § 6-6.12)